IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.4530 of 1991
BIJENDRA PRASAD
Versus
STATE
---

6 28.7.2008 No body appears for the petitioner.

This writ petition has been filed for quashing the order, dated 6.7.1991 passed by the District Education Officer by which the appointment of the petitioner on the post of Peon has been cancelled.

From the facts it appears that the petitioner was working as a sweeper in the school in question. The petitioner applied to the headmaster to consider his case for the post of peon. His application was forwarded to the District Education Officer, Bhojpur, Arrah which was rejected. The ground for rejecting the application was that the headmaster had no authority to make appointment on Class IV post without following the procedure for appointment and that the petitioner was not entitled to continue to work on the said post. It has been observed in the order that the petitioner may work as a daily paid employee on the post of a sweeper subject to the fact that the headmaster would have to make arrangement for payment to the petitioner from his own sources.

WEB COPY NOT OFFICIAL

It is well settled that the petitioner does not have a right to be appointed as a peon unless proper procedure for making appointment is followed.

In view of the aforesaid fact I find that there is no merit in this writ petition. It is dismissed accordingly.

haque **(Sheema Ali Khan, J.)**